

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
(Northern Division)

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No. 3:22-cv-00686-HTW-LGI
)	
v.)	
)	
THE CITY OF JACKSON, MISSISSIPPI,)	ORDER
)	
Defendant.)	
_____)	

The matter currently before this court concerns two related cases: the civil case captioned above (“Drinking Water Case”) and Civil Case No. 3:12-cv-790-HTW-LGI (“Sewer Case”). On May 9, 2023, this court conducted a Status Conference and instructed the parties in the two related cases to develop a special joint Order addressing the problems plaguing the City of Jackson, Mississippi’s sewer system, modeled on the Drinking Water Interim Stipulated Order [Docket no. 6].

This court, in issuing its instruction, noted that, due to various factors, the City of Jackson, Mississippi, has achieved minimal progress under the presently standing 2013 Sewer Case Consent Decree¹, both with respect to developing and implementing plans to evaluate and rehabilitate the Wastewater Collection and Transmission Systems, and with respect to implementing certain Capacity, Management, Operations, and Maintenance programs. According to the parties, to date,

¹ See CA No. 3:12-cv-790, ECF No. 10.

the City continues to experience an alarming number of Sanitary Sewer Overflows- at least two hundred and fifty (250)- throughout the region.

This court notes the objections to proceeding in the manner prescribed by this court, as filed by Plaintiffs the United States of America, on behalf of the United States Environmental Protection Agency, and the State of Mississippi, acting through the Mississippi Commission on Environmental Quality and the Mississippi Department of Environmental Quality [See Docket no. 30-1]. This court, however, cannot overlook the gravity of this matter, as the sewer issues may present an imminent and substantial endangerment to the health of persons. This court is also sadly aware that even though these parties were signatories to a Consent Decree aimed at alleviating these potential health risks and addressing the sewer issues, the parties to the Consent Decree failed to accomplish the full extent of the Consent Decree's objectives for over ten (10) years.

The parties are instructed to continue their efforts to reach an agreement and submit a joint proposed Order to this court on or before June 6, 2023, a date proposed by the City of Jackson, Mississippi. If the parties are unable to reach an agreement by this deadline, this court shall hold a Hearing to ascertain why the parties are unable to effectuate an agreement.

SO ORDERED this the 24th day of May, 2023.

/s/HENRY T. WINGATE

UNITED STATES DISTRICT COURT JUDGE